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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-fourth session

SUMMARY RECORD OF THE 588th MEETING

Held at the Vienna International Centre, Vienna,
on Friday, 7 April 1995, at 10 a.m.

Chairman: Mr. MIKULKA (Czech Republic)

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Distr.: 18 April 1995

The meeting was called to order at 10.35 a.m.

GENERAL EXCHANGE OF VIEWS (*continued*)

1. **Mr. SENKEVICH** (Russian Federation) said his delegation had been pleased to note the progress made by the Subcommittee at its current session and to observe a constructive new outlook in many areas. In the work on delimitation of outer space, for example, there had been a significant new convergence of positions which, it was to be hoped, would not be short-lived.

2. The answers to be received from States on the revised questionnaire on aerospace objects should facilitate in-depth analysis of that intricate issue and result in a comprehensive solution.

3. With regard to the geostationary orbit, an extremely productive discussion had taken place at the current session. In future consideration of the issue, a clearer outlook would emerge; a closer understanding would be gained of the boundary between the practical activities of ITU and the general legal implications of use of a limited natural resource such as the geostationary orbit.

4. The analysis of modalities and principles for international cooperation in space had been advanced by the detailed discussion of the revised document submitted by Brazil and other countries (A/AC.105/C.2/L.182/Rev.2) and by the new and constructive proposals put forward in document A/AC.105/C.2/L.197. Although the positions of States still diverged, the two documents were very similar in fundamental ways, which indicated that there was a basis for integrating the ideas contained in them.

5. One of the topics that had been suggested for future consideration by the Subcommittee concerned the legal aspects of space debris. The work of the Scientific and Technical Subcommittee and of the Interagency Orbital Debris Coordination Committee, as well as the research carried out by national space agencies, could enable the Subcommittee to begin discussing the basic elements for a legal approach to the problem of space debris and considering means of organizational and legal regulation of joint activities in that area.

6. The Subcommittee should dynamize its work. Only joint efforts aiming at reconciliation of varying and often opposing conceptions would bring the Subcommittee's activities into line with contemporary realities. It was to be hoped that such an approach would further the process of formulating international space law and developing new mechanisms for cooperation.

ADOPTION OF THE REPORT OF THE SUBCOMMITTEE (A/AC.105/C.2/L.198 and Add.1 and 2)

7. **The CHAIRMAN** said that the blanks in the draft report relating to factual details would be completed by the Secretariat.

A/AC.105/C.2/L.198

Paragraphs 1 and 2

8. *Paragraphs 1 and 2 were adopted.*

Paragraph 3

9. **Mr. SAENZ de TEJADA** (Spain) said that there had been a discussion as to whether the subject of working methods should be included in the agenda (see document A/AC.105/C.2/SR.580, paras. 5-7). He suggested that wording should be added to paragraph 3 to cover that point and the fact that it had been agreed that informal consultations would be held on the working methods of the Subcommittee.

10. **Mr. GONZALEZ** (Chile), supported by **Mr. REY CORDOBA** (Colombia), said that paragraph 3 was a statement of fact, no delegation having objected to the agenda, and it was in the form in which the relevant paragraph customarily appeared in the Subcommittee's report. Any addition to the draft report to cover the point raised by the Spanish representative should appear elsewhere.

11. **Mr. SAENZ de TEJADA** (Spain) accepted that suggestion. A suitable text could be included in paragraph 8.

12. **The CHAIRMAN** suggested that the Subcommittee might adopt paragraph 3 on the understanding that the point raised by Spain would be reflected further on in the draft report.

13. *Paragraph 3 was adopted on that understanding.*

Paragraphs 4 to 7

14. *Paragraphs 4 to 7 were adopted.*

Paragraph 8

15. **Mr. GONZALEZ** (Chile), referring to subparagraph (e), said that the Spanish version was hard to understand.

16. **The CHAIRMAN** said that the Secretariat would ensure that the Spanish version was in line with the other versions.

17. **Mr. SAENZ de TEJADA** (Spain) proposed a new subparagraph (f), to deal with the point he had raised in connection with paragraph 3, to the effect that extensive, open-ended informal discussions had taken place among all members of the Legal Subcommittee on the working methods and agenda of the Subcommittee, including the consideration of possible additional items for inclusion in the agenda, in accordance with the report of the Committee on the Peaceful Uses of Outer Space (A/49/20, para. 160 and annex) and paragraph 8 of General Assembly resolution 49/34.

18. **Mr. TELLES RIBEIRO** (Brazil), supported by **Mr. SCHALLY** (Austria), said that the Spanish proposal dealt with a rather substantive issue, whereas subparagraph (e) did not. He therefore suggested that the addition proposed by Spain should form subparagraph (e), and that the existing subparagraph (e) should become subparagraph (f).

19. **The CHAIRMAN** suggested that the Subcommittee might adopt paragraph 8 with the changes proposed by the Spanish and Brazilian delegations, leaving it to the Secretariat to finalize the drafting of the paragraph.

20. *It was so decided.*

Paragraphs 9 to 17

21. *Paragraphs 9 to 17 were adopted.*

Proposed additional paragraph

22. **Mr. SAENZ de TEJADA** (Spain) proposed the inclusion of the following paragraph (17 *bis*):

> "In the course of the general exchange of views, reference was made to the question of the duration of the Subcommittee's sessions. Some delegations expressed support for the view that the Subcommittee's schedule of work should be considerably reduced and rationalized, following the example of other United Nations bodies."

23. **Mr. ARIZAGA** (Ecuador) said that delegations had also stressed that any reduction in the duration of the Subcommittee's sessions should not affect the substantive issues it might deal with in future. The sentence proposed by Spain should therefore be followed by a sentence reflecting that point as well.

24. **Mr. RASHKOW** (United States of America) wondered why the addition proposed by the Spanish representative should appear at that place in the report.

25. **Mr. SAENZ de TEJADA** (Spain) said that quite a number of speakers had referred to the matter during the general exchange of views.

26. **Mr. McCARTHY** (Australia) said that the insertion of both the sentences proposed would produce a balanced text.

27. **Mr. TELLES RIBEIRO** (Brazil) endorsed the comment made by the representative of Ecuador. He proposed that the following sentence should follow the one proposed by Spain:

> "Other delegations noted that the consideration of any possible reduction of the work of the Legal Subcommittee must not detract from the consideration of substantive new items which might be placed on the agenda of the Subcommittee."

28. **Mr. MAZILU** (Romania) said it was important that the two sentences should directly follow one another.

29. **The CHAIRMAN** said that he would take it that the Subcommittee wished to include in its report a paragraph 17 *bis* consisting of the sentence proposed by Spain followed by the one proposed by Brazil.

30. *It was so decided.*

Paragraph 18

31. **Mr. GONZALEZ** (Chile) thought that the word "*residuos*" in the Spanish version should be replaced by the word "*desechos*".

32. **The CHAIRMAN** said that that remark would be taken into account by the Secretariat.

33. *Paragraph 18 was adopted on that understanding.*

Paragraph 19

34. **Mr. LOUET** (France) suggested that the words "held on the occasion of" should be replaced by the words "held before the opening of the session of".

35. *It was so decided.*

36. *Paragraph 19, as amended, was adopted.*

A/AC.105/C.2/L.198/Add.2

Introduction, paragraph 19 *bis*

37. **The CHAIRMAN** drew attention to the paragraph, numbered 19 *bis*, proposed in document A/AC.105/C.2/L.198/Add.2 as an insertion to follow paragraph 19 in document A/AC.105/C.2/L.198.

38. **Mr. RASHKOW** (United States of America) said he had no difficulty with the sentiment expressed in the paragraph but believed that the relationship of seminars to the Subcommittee's official work must be clarified. He therefore proposed that the words "organized, with the participation of relevant organizations" should be replaced by the words "independently organized and conducted, with the participation of other relevant organizations".

39. **Mr. TELLES RIBEIRO** (Brazil) said he saw the point behind the suggestion but preferred the existing version of the text. It would represent the first time the seminars on space debris which were often held concurrently with the Subcommittee's sessions were mentioned in its report. As it was inevitable that space debris would one day become a part of the Subcommittee's agenda, it would be useful to show that the Subcommittee had already given consideration to the subject in 1995.

40. **Mr. LOUET** (France), supported by **Ms. KATO** (Japan), said he endorsed the amendment put forward by the United States of America because it made it clear that the seminar was entirely separate from the Subcommittee's work.

41. **Mr. RANKIN** (United Kingdom) said that there was, indeed, some merit in making that clear. An outside reader might not be aware that the seminars and the Subcommittee's official concerns were entirely separate.

42. **Mr. REY CORDOBA** (Colombia) suggested the wording "be organized in parallel, with the participation of ...".

43. **Mr. KOPAL** (Czech Republic) said that the proposed introduction of the word "other" to describe the organizations that participated in the seminar might be taken to exclude those that had participated at the current session. He therefore opposed the inclusion of that word. Furthermore, he suggested that the word "seminar" in the existing text should be replaced by the word "symposium".

44. **Mr. MULDER** (South Africa) supported the proposed inclusion of the word "independently".

45. **Mr. MAZILU** (Romania) supported the inclusion of the word "independently" but not the addition of the word "other". He agreed that the term "symposium" should replace "seminar".

46. **Mr. RASHKOW** (United States of America) suggested that the text should read: "... a symposium might be independently organized in parallel by other relevant organizations...".

47. **Mr. TELLES RIBEIRO** (Brazil) said he was grateful to the United States delegation for its accommodating attitude, but that he agreed with the representatives of the Czech Republic and Romania that the word "other" might be misconstrued and should not be inserted.

48. **Mr. MAZILU** (Romania) suggested that the words "in parallel" should be dropped.

49. **Mr. RASHKOW** (United States of America) said that, with a view to reaching consensus and enabling the Subcommittee to move on to other business, his delegation would agree that the text should read: "... a symposium might be independently organized with the participation of relevant organizations ...".

50. **The CHAIRMAN** said that, if he heard no objection, he would take it that that amendment was adopted.

51. *It was so decided.*

52. *Paragraph 19 bis, as amended, was adopted.*

A/AC.105/C.2/L.198 (*continued*)

Paragraphs 20 and 21

53. *Paragraphs 20 and 21 were adopted.*

Heading before paragraph 22

54. **Mr. JASENTULIYANA** (Secretary of the Subcommittee) suggested that the word "early" in the heading should be deleted.

55. *It was so decided.*

Paragraphs 22 to 30

56. *Paragraphs 22 to 30 were adopted.*

Paragraph 31

57. **Mr. GONZALEZ** (Chile) said that the word "*paraceres*" in the Spanish version should be replaced by "*opiniones*".

58. **The CHAIRMAN** said that the Secretariat would take that remark into account.

59. *Paragraph 31 was adopted on that understanding.*

Paragraphs 32 to 34

60. *Paragraphs 32 to 34 were adopted.*

Paragraph 35

61. **Mr. RASHKOW** (United States of America) said that, in the third sentence, the words "to decide" should be inserted between "Legal Subcommittee" and "on how it might".

62. *It was so decided.*

63. *Paragraph 35, as amended, was adopted.*

A/AC.105/C.2/L.198/Add.1

Paragraphs 1 to 7

64. *Paragraphs 1 to 7 were adopted.*

A/AC.105/C.2/L.198/Add.2 (*continued*)

65. **The CHAIRMAN** said that chapter IV in document A/AC.105/C.2/L.198/Add.2 had been drafted to reflect the informal consultations on working methods held on two afternoons. He had also consulted a number of delegations on a bilateral basis and tried to produce a package representing a balanced response to all the problems.

Paragraph 1

66. *Paragraph 1 was adopted.*

Paragraph 2

67. **Mr. GONZALEZ** (Chile) proposed that a study of the general principles of international law relating to space as compared with the principles of international law relating to the environment, as suggested by his delegation during the consultations, should be added to the list of proposed items in paragraph 2.

68. *It was so decided.*

69. **Mr. TELLES RIBEIRO** (Brazil), supported by **Mr. MAZILU** (Romania), suggested that items (c) and (d) should be incorporated into a single item in view of their similarity.

70. **Mr. KOPAL** (Czech Republic) agreed that the two items might be combined; the combined item might be designated "the legal aspects of space debris, including a review of existing norms of international law applicable to space debris", or, alternatively, "a review of existing norms ... and other legal aspects of space debris".

71. **Mr. RANKIN** (United Kingdom) said that his delegation would prefer either the latter suggestion or two separate sub-items, as item (c) was a narrower and clearer topic for discussion and negotiation than item (d).

72. **The CHAIRMAN** said that he had kept the items separate for that reason.

73. **Mr. TELLES RIBEIRO** (Brazil) said that, in the light of those comments, he would withdraw his suggestion.

74. *Paragraph 2, as amended, was adopted.*

Paragraph 3

75. **Mr. RASHKOW** (United States of America) said that paragraph 3 was one of the more important paragraphs, reflecting the great effort made over the past few years by the Subcommittee to grapple with a difficult issue on which there were strong feelings on both sides. The United States delegation had felt that the Subcommittee could reduce its sessions in practice and should have a goal of trying, if practical, to reduce the length of the sessions to two weeks, without formally limiting the duration. His delegation also felt that consensus had emerged on that understanding. Paragraph 3 as drafted, when combined with paragraph 5, went a long way to reflecting that understanding, but nevertheless appeared to narrow the delicately worked out compromise by focusing on a particular session. He proposed that paragraph 3 should be amended to read as follows:

> "The Subcommittee agreed that it would conduct its sessions with the utmost flexibility, and in doing so, every effort would be made to conclude the sessions as early as practicable, with the goal being to conclude the sessions in two weeks, without prejudice to future developments in the agenda of the Subcommittee."

76. **Mr. SAENZ de TEJADA** (Spain) proposed that paragraph 3 should remain as drafted, but that a separate paragraph should be added to reflect the view expressed by his delegation that not only should an attempt be made to shorten the session but the schedule of meetings should also be consulted to ensure that there was no overlap with meetings convened by other Vienna-based organizations.

77. **Mr. REY CORDOBA** (Colombia) said that the proposal made by the United States delegation introduced a new element which did not reflect the discussions held during the session.

78. Paragraph 3 as it stood did not fully reflect all the views expressed, however, and should also reflect the idea put forward by his delegation that the Subcommittee should continue to envisage the possibility of

a three-week session and, according to the needs and circumstances of each session, consider the possibility of shortening the session.

79. **Mr. GONZALEZ** (Chile) said that he agreed with the remarks of the previous speaker, but thought that, in the interests of consensus, the United States proposal could be accepted if, rather than referring vaguely to "future developments", it referred to the need to include new items in the agenda.

80. **Mr. TELLES RIBEIRO** (Brazil) said that his delegation fully understood the sensitive nature of the issue and was prepared to accept the existing text, which was part of a package, as had been explained. The new proposals put forward created problems. The Subcommittee was trying to achieve progress in its work and should not establish an objective of reducing the length of its sessions. He urged the Spanish and United States delegations to accept the text as it stood.

81. **Mr. McCARTHY** (Australia) thought that the Brazilian delegation's concerns were largely taken into account by the proposed amendments. Although he sympathized with the views expressed by the Spanish delegation, the United States proposal had the necessary flexibility and balance and, even though it did not fully meet Australia's position, appropriately reflected the debate.

82. **Mr. RANKIN** (United Kingdom) said that ideally his delegation would have preferred wording such as that suggested by the Spanish delegation, but thought that the Chilean delegation's suggestion was useful. He suggested that the text should refer to the "need to consider new items for the agenda".

83. **Mr. GONZALEZ** (Chile) agreed to the wording proposed by the United Kingdom representative, with the addition of the words "bearing in mind paragraph 9".

84. **Mr. SCHALLY** (Austria) supported the approach suggested by the United Kingdom representative but thought that not just the last phrase but the whole provision should depend on the workload of the Subcommittee.

85. **Mr. SENKEVICH** (Russian Federation) suggested that paragraph 3 be reworded to read: "Bearing in mind paragraph 9, the Subcommittee agreed that it would conduct its sessions with the utmost flexibility, and in doing so, every effort would be made to conclude its sessions as early as practicable, if possible in two weeks ...". The wording suggested by the representative of the United Kingdom should then be added.

86. **Mr. RASHKOW** (United States of America) suggested that the meeting be suspended for a short time to allow delegations to find a suitable formulation taking account of all the views expressed.

87. **Mr. SAENZ de TEJADA** (Spain) asked that his delegation's proposal regarding the schedule of meetings should be included at some point.

88. **Mr. JASENTULIYANA** (Secretary of the Subcommittee), referring to the concern expressed by the Spanish representative, that sessions should not overlap with meetings of other organizations, said that every effort was made to avoid such overlapping. However, nothing could be done if, in adopting the final calendar of meetings, the General Assembly decided to move a meeting to Vienna from New York or Geneva. In his opinion, putting into the report the view of one delegation would only dilute the earlier request made by the Committee on the Peaceful Uses of Outer Space that parallel sessions should be avoided to the extent

feasible. In any case, it was for the Committee to decide upon the schedule at its June session. He hoped that those explanations would meet the concerns of the Spanish representative.

89. **Mr. SAENZ de TEJADA** (Spain), while recognizing the efforts made by the Secretariat to avoid overlapping schedules, said that the Subcommittee's present session had overlapped with that of the IAEA Board of Governors, with consequent problems for many delegations. However, he appreciated that the matter should be discussed at the June session of the Committee, and would not insist on the point at the present juncture.

The meeting was suspended at 12.45 p.m. and resumed at 12.55 p.m.

90. **The CHAIRMAN** said he understood that consensus had now been reached on the wording of paragraph 3.

91. **Mr. RASHKOW** (United States of America) said that to take account of all the concerns expressed the following text was now proposed:

> "Bearing in mind paragraph 9, the Subcommittee agreed that it would conduct its sessions with the utmost flexibility, and in doing so, every effort would be made to conclude its sessions as early as practicable, with the goal being to conclude its sessions in two weeks, keeping in mind the need to consider new items for the agenda of the Subcommittee."

92. *The text of paragraph 3, read out by the representative of the United States of America, was adopted.*

Paragraph 4

93. **Mr. WILKE** (Netherlands) proposed that the first sentence of paragraph 4 should begin: "The Subcommittee agreed to continue to improve the application of the measures ...".

94. *It was so decided.*

95. *Paragraph 4, as amended, was adopted.*

Paragraph 5

96. *Paragraph 5 was adopted.*

Paragraph 6

97. **Mr. RASHKOW** (United States of America) proposed that the words "of the Subcommittee and its Working Groups" should be added after "all informal meetings and consultations".

98. *It was so decided.*

99. *Paragraph 6, as amended, was adopted.*

Paragraphs 7 and 8

100. *Paragraphs 7 and 8 were adopted.*

Paragraph 9

101. **Mr. RASHKOW** (United States of America) proposed that, at the beginning of the paragraph, the words "paragraph 2 above" should be amended to read "paragraphs 2 and 3 above".

102. *It was so decided.*

103. *Paragraph 9, as amended, was adopted.*

Paragraphs 10 and 11

104. *Paragraphs 10 and 11 were adopted.*

105. *The report of the Subcommittee as a whole, as amended, was adopted.*

CLOSURE OF THE SESSION

106. After an exchange of courtesies, **the CHAIRMAN** declared the session closed.

The meeting rose at 1.10 p.m.